

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

**DAVISON DESIGN &
DEVELOPMENT, INC.**

Plaintiff,

v.

MARIO SCORZA

Defendant

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CA No. 2:23-cv-644

Judge Horan

DEFENDANT, MARIO SCORZA’S ORIGINAL ANSWER

COMES NOW, Defendant, Mario Scorza (“Defendant” or “Scorza”) in the above styled and numbered cause of action, and files this, his Original Answer, and, in support of same, would respectfully show the following:

**I
ANSWER**

1. Paragraph 1 of the Complaint consists of Plaintiff’s characterizations of its beliefs regarding arbitral due process, and thus need not be admitted nor denied.
2. Paragraph 2 of the Complaint consists of Plaintiff’s characterizations of its beliefs regarding arbitral due process, and thus need not be admitted nor denied.
3. Paragraph 3 of the Complaint consists of Plaintiff’s characterizations of its beliefs regarding arbitral due process, and thus need not be admitted nor denied.
4. The allegations contained in paragraph 4 of the Complaint are denied.
5. The allegations contained in paragraph 5 of the Complaint are denied.
6. The allegations contained in paragraph 6 of the Complaint are denied.
7. The allegations contained in paragraph 7 of the Complaint are denied.
8. The allegations contained in paragraph 8 of the Complaint are denied.

9. The allegations contained in paragraph 9 of the Complaint are denied.
10. The allegations contained in paragraph 10 of the Complaint are denied.
11. The allegations contained in paragraph 11 of the Complaint are admitted.
12. The allegations contained in paragraph 12 of the Complaint are denied. Furthermore, Scorza's actual place of residence was discussed at length during the underlying arbitration proceeding.
13. The allegations contained in paragraph 13 giving rise to subject-matter jurisdiction are admitted. All remaining allegations, including those of erroneous award, are denied.
14. The allegations contained in paragraph 14 of the Complaint are admitted.
15. The allegations contained in paragraph 15 of the Complaint are admitted.
16. The allegations contained in paragraph 16 of the Complaint are admitted.
17. The allegations contained in paragraph 17 of the Complaint are denied.
18. The allegations contained in paragraph 18 of the Complaint are admitted.
19. The allegations contained in paragraph 19 of the Complaint are admitted.
20. The allegations contained in paragraph 20 of the Complaint are denied. Defendant admits that the arbitrator requested a filing regarding Claimant's reasonable and necessary attorney's fees.
21. The allegations contained in paragraph 21 of the Complaint are admitted.
22. The allegations contained in paragraph 22 of the Complaint are admitted.
23. The allegations contained in paragraph 23 of the Complaint are admitted.
24. The allegations contained in paragraph 24 of the Complaint are denied.
25. The allegations contained in paragraph 25 of the Complaint are denied.
26. The allegations contained in paragraph 26 of the Complaint are admitted.

27. The allegations contained in paragraph 27 of the Complaint are admitted.

28. The allegations contained in paragraph 28 of the Complaint are admitted.

29. The allegations contained in paragraph 29 consist of characterizations of the Plaintiff's intent and understanding of the nature of the arbitration proceeding. Defendant has insufficient knowledge or information to form a belief as to the truth of the allegations regarding the foregoing, and thus deny same.

30. The allegations contained in paragraph 30 consist of characterizations of the Plaintiff's intent and understanding of the nature of the arbitration proceeding. Defendant has insufficient knowledge or information to form a belief as to the truth of the allegations regarding the foregoing, and thus deny same.

31. The allegations contained in paragraph 31 consist of characterizations of the Plaintiff's intent and understanding of the nature of the arbitration proceeding. Defendant has insufficient knowledge or information to form a belief as to the truth of the allegations regarding the foregoing, and thus deny same.

32. The allegations contained in paragraph 32 of the Complaint are denied.

33. The allegations contained in paragraph 33 of the Complaint are denied.

34. The allegations contained in paragraph 34 of the Complaint are denied.

35. The allegations contained in paragraph 35 of the Complaint are denied.

36. The allegations contained in paragraph 36 of the Complaint are denied.

37. The allegations contained in paragraph 37 consist of characterizations of the Plaintiff's intent and understanding of the nature of the arbitration proceeding. Defendant has insufficient knowledge or information to form a belief as to the truth of the allegations regarding the foregoing, and thus deny same.

38. The allegations contained in paragraph 38 of the Complaint are admitted.
39. The allegations contained in paragraph 39 of the Complaint are admitted.
40. The allegations contained in paragraph 40 of the Complaint are denied.
41. The allegations contained in paragraph 41 of the Complaint are denied.
42. The allegations contained in paragraph 42 of the Complaint are denied.
43. The allegations contained in paragraph 43 of the Complaint are denied.
44. The allegations contained in paragraph 44 of the Complaint are denied.
45. The allegations contained in paragraph 45 of the Complaint are nonsensical, as the arbitrator requested briefing on all issues raised. To the extent the allegations of the paragraph may be correctly parsed, they are denied.
46. The allegations contained in paragraph 46 of the Complaint are denied.
47. The allegations contained in paragraph 47 of the Complaint are denied.
48. The allegations contained in paragraph 47 of the Complaint are denied.
49. The allegations contained in paragraph 47 of the Complaint are denied.
50. Paragraph 50 merely consists of a quote from 9 U.S.C. § 10(a)(4), and thus need not be admitted nor denied.
51. Paragraph 51 merely consists of Plaintiff's misleading quotes and mischaracterization of the state of the law, and thus need not be admitted nor denied.
52. Paragraph 52 merely consists of Plaintiff's misleading quotes and mischaracterization of the state of the law, and thus need not be admitted nor denied.
53. Paragraph 53 merely consists of Plaintiff's misleading quotes and mischaracterization of the state of the law, and thus need not be admitted nor denied.

54. Paragraph 54 merely consists of Plaintiff's misleading quotes and mischaracterization of the state of the law, and thus need not be admitted nor denied.

55. Paragraph 55 merely consists of Plaintiff's misleading quotes and mischaracterization of the state of the law, and thus need not be admitted nor denied.

56. Paragraph 56 merely consists of Plaintiff's misleading quotes and mischaracterization of the state of the law, and thus need not be admitted nor denied.

57. Paragraph 57 merely consists of Plaintiff's misleading quotes and mischaracterization of the state of the law, and thus need not be admitted nor denied.

58. Paragraph 58 merely consists of Plaintiff's misleading quotes and mischaracterization of the state of the law, and thus need not be admitted nor denied.

59. Paragraph 59 merely consists of Plaintiff's misleading quotes and mischaracterization of the state of the law, and thus need not be admitted nor denied.

60. The allegations contained in paragraph 60 of the Complaint are denied.

61. The allegations contained in paragraph 61 of the Complaint are denied.

62. The allegations contained in paragraph 62 of the Complaint are denied.

63. The allegations contained in paragraph 63 of the Complaint are denied.

64. The allegations contained in paragraph 64 of the Complaint are denied.

65. Paragraph 65 merely consists of Plaintiff's misleading quotes and mischaracterization of the state of the law, and thus need not be admitted nor denied.

66. Paragraph 66 merely consists of Plaintiff's misleading quotes and mischaracterization of the state of the law, and thus need not be admitted nor denied.

67. The allegations contained in paragraph 67 of the Complaint are denied.

68. The allegations contained in paragraph 68 of the Complaint are denied.

69. Paragraph 69 merely consists of Plaintiff's misleading quotes and mischaracterization of the state of the law, and thus need not be admitted nor denied.

70. Paragraph 70 merely consists of Plaintiff's misleading quotes and mischaracterization of the state of the law, and thus need not be admitted nor denied.

71. Paragraph 71 merely consists of Plaintiff's misleading quotes and mischaracterization of the state of the law, and thus need not be admitted nor denied.

72. Paragraph 72 merely consists of Plaintiff's misleading quotes and mischaracterization of the state of the law, and thus need not be admitted nor denied.

73. Paragraph 73 merely consists of Plaintiff's requested relief, and thus need not be admitted nor denied.

74. Paragraph 74 merely consists of Plaintiff's requested relief, and thus need not be admitted nor denied.

75. Paragraph 75 merely consists of Plaintiff's legal argument regarding its requested relief, and thus need not be admitted nor denied.

76. Paragraph 76 merely consists of Plaintiff's requested relief, and thus need not be admitted nor denied.

77. Paragraph 77 merely consists of Plaintiff's requested relief, and thus need not be admitted nor denied.

78. Paragraph 78 merely consists of a quote from 9 U.S.C. § 11(b), and thus need not be admitted nor denied.

79. Paragraph 79 merely consists of Plaintiff's legal argument regarding its requested relief, and thus need not be admitted nor denied.

80. Paragraph 80 merely consists of Plaintiff's requested relief, and thus need not be admitted nor denied.

II

AFFIRMATIVE DEFENSES

81. Defendant repeats and realleges the allegations contained in the preceding paragraphs 1 through 80 above. Defendant asserts the following affirmative defenses. Defendant reserves the right to modify and/or expand these defenses and to take further positions and raise additional defenses as discovery proceeds in this lawsuit.

82. Plaintiff has failed to state a claim upon which relief can be granted.

III

PRAYER

WHEREFORE, Defendant prays that Plaintiff take nothing by way of its affirmative claims and prays that the Court confirm the arbitration award in question. Defendant prays that it recover its reasonable and necessary attorneys' fees incurred in responding to this frivolous vacatur action. Defendant prays for all such other and further relief, either at law or in equity, as the Court may deem just and proper.

Respectfully submitted,

/s/ John J. Myers

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Pro hac vice pending

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 28th day of June, 2023, a true and correct copy of the foregoing instrument has been forwarded to all counsel of record and/or pro se parties, by means of the Court's electronic filing system, in accordance with the Rules of Civil Procedure.

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/s/ John J. Myers _____
John J. Myers